

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 04-1507 (SLR)
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION,)	
)	
Defendants.)	

**KBC’S MOTION TO DISMISS FOR LACK OF STANDING
IF LPM REFUSES TO JOIN GREENSPAN**

Defendant Kao Brands Co. (“KBC”) moves to dismiss this action if plaintiff LP Matthews L.L.C. (“LPM”) refuses to join as a party plaintiff its assignor The Greenspan Company (“Greenspan”). LPM lacks standing since the assignment to it of this cause of action was champertous and, therefore, void.

This motion involves no disputed facts and involves only an issue of law. The bringing of this motion was discussed during a conference with the Court on August 24, 2005. Tr. 18-20. During this conference, the Court noted that it may not act upon this motion until it acts upon summary judgment motions. *Id.*

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Dated: September 30, 2005

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on September 30, 2005, the attached document was hand-delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on September 30, 2005, I have Federal Expressed the documents to the following non-registered participants:

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